

#16 / R.T.  
5/20

A

W/E.O.T.

I WD

<b>IN THE UNITED STATES PATENT AND TRADEMARK OFFICE</b>	Application Number	09/438,392
	Filing Date	November 12, 1999
	First Named Inventor	Takashi AOYAMA et al.
	Group Art Unit	1635
	Examiner Name	Jane J. Z...
	Attorney Docket Number	2312-105
Title of the Invention: CHEMICAL INDUCIBLE PROMOTER USED TO OBTAIN TRANSGENIC PLANTS WITH A SILENT MARKER		

RECEIVED

MAY 20 2002

TECH CENTER 1600/2300

### AMENDMENT AND RESPONSE

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

In response to the Office Action mailed January 15, 2002, Applicants submit the following amendments and remarks, and respectfully request reconsideration and withdrawal of the rejections. Applicants request an extension of the time of response by one month, from April 15, 2002 to May 15, 2002. A check for the appropriate fee accompanies this response. The Commissioner is hereby authorized to charge any additional fees, or credit any balance, to deposit account 02-2135 in the name of Rothwell, Figg, Ernst and Manbeck, P.C.

Please cancel claims 1-66, and add new claims 67-83 contained on the following pages.

Marked up copies of the amended claims are attached to this amendment. Material inserted is indicated by redlining and material deleted is indicated by ~~strikeout~~.

05/16/2002 MGBREM1 00000113 09438392

01 FC:215

55.00 CP



# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Complete if Known

Application Number	09/438,392
Filing Date	November 12, 1999
First Named Inventor	Takashi AOYAMA et al.
Examiner Name	Jane J. Zara
Group Art Unit	1635
Attorney Docket Number	2102105

Total Number of Pages in This Submission - 12

## ENCLOSURES (check all that apply)

- |  |   |  |
|--|---|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form                     | <input type="checkbox"/> Assignment Papers  | <input type="checkbox"/> After Allowance Communication to Group                            |
| <input checked="" type="checkbox"/> Fee Attached                             | <input type="checkbox"/> Drawing(s)   | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences        |
| <input checked="" type="checkbox"/> Amendment/Reply                          | <input type="checkbox"/> Licensing-related Papers                                       | <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final   | <input type="checkbox"/> Petition   | <input type="checkbox"/> Proprietary Information   |
| <input type="checkbox"/> Affidavits/declaration(s)                           | <input type="checkbox"/> Petition to Convert to a Provisional Application               | <input type="checkbox"/> Status Letter   |
| <input checked="" type="checkbox"/> Extension of Time Request                | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address | <input type="checkbox"/> Other Enclosure(s) (please identify below):                       |
| <input type="checkbox"/> Express Abandonment Request                         | <input type="checkbox"/> Terminal Disclaimer  |  |
| <input type="checkbox"/> Information Disclosure Statement                    | <input type="checkbox"/> Request for Refund   |  |
| <input type="checkbox"/> Certified Copy of Priority Document(s)              | <input type="checkbox"/> CD, Number of CD(s)  |  |
| <input type="checkbox"/> Response to Missing Parts/Incomplete Application    |   |  |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 |   |  |

REMARKS:

SUBMITTED BY		Complete (if applicable)			
NAME AND REG. NUMBER	Martha Cassidy, Reg. No. 44,066				
SIGNATURE		DATE	5/15/02	DEPOSIT ACCOUNT USER ID	

**FEE TRANSMITTAL**  
for FY 2004  
(Small Entity)

MAY 15 2002

Complete if Known

Application Number		09/438,392	
Filing Date		November 12, 1999	
First Named Inventor		Takashi AOYAMA et al.	
Examiner Name		Jane J. Zara	
Group Art Unit		1635	
Total Amount of Payment		(\$ 55.00)	
Attorney Docket Number		2312-105	

RECEIVED

MAY 20 2002

**METHOD OF PAYMENT** (check one)

1. ☒ The Commissioner is hereby authorized to charge additional fees and credit any overpayment to Deposit Account Number 02-2135 in the name of Rothwell, Figg, Ernst & Manbeck
- ☒ Charge any Additional Fee Required Under 37 CFR 1.16 and 1.17
- ☒ Applicant claims small entity status.
2. ☒ Payment Enclosed:  
☒ Check  
☐ Credit Card

**FEE CALCULATION**

**1. FILING FEE**

Fee Code	Fee \$	Fee Description	Fee Paid
201	370	Utility filing fee	[ ]
206	165	Design Filing Fee	[ ]
207	255	Plant Filing Fee	[ ]
208	370	Reissue Filing Fee	[ ]
214	80	Provisional Filing Fee	[ ]

**SUBTOTAL \$**

**2. CLAIMS**

Total Claims	Extra Claims	Fee	Fee Paid
[ ] - 20** = [ ] x		\$ 9 = [ ]	
Independent Claims [ ] - 3** = [ ] x		42 = [ ]	
Multiple Dependent Claims +		140 = [ ]	

\*\*or number previously paid, if greater;

**SUBTOTAL \$**

**FEE CALCULATION** (continued)

**3. ADDITIONAL FEES**

Fee Code	Fee Paid	Fee Description	Fee Paid
205	65	Surcharge - late filing fee or oath	[ ]
227	25	Surcharge - late provisional filing fee or cover sheet	[ ]
139	130	Non-English specification	[ ]
147	2,520	For filing a request for reexamination	[ ]
112	920	Requesting publication of SIR prior to Examiner action	[ ]
113	1,840*	Requesting publication of SIR after Examiner action	[ ]
215	55	Extension for reply within first month	[ 55 ]
216	200	Extension for reply within second month	[ ]
217	460	Extension for reply within third month	[ ]
218	720	Extension for reply within fourth month	[ ]
228	980	Extension for reply within fifth month	[ ]
219	160	Notice of Appeal	[ ]
220	160	Filing a brief in support of an appeal	[ ]
221	150	Request for Oral Hearing	[ ]
138	1,510	Petition to institute a public use proceeding	[ ]
240	55	Petition to revive -unavoidable	[ ]
241	640	Petition to revive - unintentional	[ ]
242	640	Utility issue fee (or reissue)	[ ]
243	230	Design issue fee	[ ]
244	310	Plant issue fee	[ ]
122	130	Petitions to the Commissioner	[ ]
123	50	Processing fee under 37 CFR 1.17(q)	[ ]
126	180	Submission of Information Disclosure Statement	[ ]
581	40	Recording each patent assignment per property (times number of properties)	[ ]
246	370	Filing a submission after final rejection (37 CFR 1.129(a))	[ ]
249	370	For each additional invention to be examined (37 CFR 1.129(b))	[ ]
279	370	Request for Continued Examination (RCE)	[ ]
169	900	Request for expedited examination of a design application	[ ]
195	300	Publication fee for early, voluntary, or normal publication	[ ]
196	300	Publication fee for republication	[ ]
089	200	Filing an application for patent term adjustment	[ ]
090	400	Request for reinstatement of term reduced	[ ]
		Other fee (specify)	[ ]

\* Reduced by Basic Filing Fee Paid

**SUBTOTAL \$55.00**

SUBMITTED BY		Complete (if applicable)	
NAME AND REG. NUMBER	Martha Cassidy, Reg. No. 44,066		
SIGNATURE	DATE	DEPOSIT ACCOUNT USER ID	

**FEE TRANSMITTAL  
for FY 2001  
(Small Entity)**

MAY 15 2002

Complete if Known

Application Number		09/438,392	
Filing Date		November 12, 1999	
First Named Inventor		Takashi AOYAMA et al.	
Examiner Name		Jane J. Zara	
Group Art Unit		1635	
Total Amount of Payment		(\$ 55.00)	
Attorney Docket Number		2312-105	

RECEIVED

MAY 20 2002

**METHOD OF PAYMENT (check one)**

1. ☒ The Commissioner is hereby authorized to charge additional fees and credit any overpayment to Deposit Account Number 02-2135 in the name of Rothwell, Figg, Ernst & Manbeck
- ☒ Charge any Additional Fee Required Under 37 CFR 1.16 and 1.17
- ☒ Applicant claims small entity status.
2. ☒ Payment Enclosed:
- ☒ Check
- ☐ Credit Card

**FEE CALCULATION**

**1. FILING FEE**

Fee Code	Fee \$	Fee Description	Fee Paid
201	370	Utility filing fee	[ ]
206	165	Design Filing Fee	[ ]
207	255	Plant Filing Fee	[ ]
208	370	Reissue Filing Fee	[ ]
214	80	Provisional Filing Fee	[ ]

**SUBTOTAL \$**

**2. CLAIMS**

Total Claims	Independent Claims	Multiple Dependent Claims	Extra Claims	Fee \$	Fee Paid
[ ]	[ ]	[ ]	- 20** = [ ] x	\$ 9 = [ ]	[ ]
[ ]	[ ]	[ ]	- 3** = [ ] x	42 = [ ]	[ ]
[ ]	[ ]	[ ]	+ 140 = [ ]		[ ]

\*\*or number previously paid, if greater;

**SUBTOTAL \$**

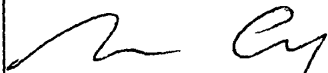
**FEE CALCULATION (continued)**

**3. ADDITIONAL FEES**

Fee Code	Fee Paid	Fee Description	Fee Paid
205	65	Surcharge - late filing fee or oath	[ ]
227	25	Surcharge - late provisional filing fee or cover sheet	[ ]
139	130	Non-English specification	[ ]
147	2,520	For filing a request for reexamination	[ ]
112	920	Requesting publication of SIR prior to Examiner action	[ ]
113	1,840*	Requesting publication of SIR after Examiner action	[ ]
215	55	Extension for reply within first month	[ 55 ]
216	200	Extension for reply within second month	[ ]
217	460	Extension for reply within third month	[ ]
218	720	Extension for reply within fourth month	[ ]
228	980	Extension for reply within fifth month	[ ]
219	160	Notice of Appeal	[ ]
220	160	Filing a brief in support of an appeal	[ ]
221	150	Request for Oral Hearing	[ ]
138	1,510	Petition to institute a public use proceeding	[ ]
240	55	Petition to revive - unavoidable	[ ]
241	640	Petition to revive - unintentional	[ ]
242	640	Utility issue fee (or reissue)	[ ]
243	230	Design issue fee	[ ]
244	310	Plant issue fee	[ ]
122	130	Petitions to the Commissioner	[ ]
123	50	Processing fee under 37 CFR 1.17(q)	[ ]
126	180	Submission of Information Disclosure Statement	[ ]
581	40	Recording each patent assignment per property (times number of properties)	[ ]
246	370	Filing a submission after final rejection (37 CFR 1.129(a))	[ ]
249	370	For each additional invention to be examined (37 CFR 1.129(b))	[ ]
279	370	Request for Continued Examination (RCE)	[ ]
169	900	Request for expedited examination of a design application	[ ]
195	300	Publication fee for early, voluntary, or normal publication	[ ]
196	300	Publication fee for republication	[ ]
089	200	Filing an application for patent term adjustment	[ ]
090	400	Request for reinstatement of term reduced	[ ]
Other fee (specify)			[ ]

\* Reduced by Basic Filing Fee Paid

**SUBTOTAL \$55.00**

SUBMITTED BY		Complete (if applicable)			
NAME AND REG. NUMBER	Martha Cassidy, Reg. No. 44,066				
SIGNATURE		DATE	5/15/02	DEPOSIT ACCOUNT USER ID	